

# Minutes of the Electronic Meeting of the Council Assessment Panel

Held on Monday, 26 July 2021, at 5.30 pm

**Present –** Presiding Member – Mr Mark Adcock  
Panel Member – Councillor Arman Abrahamzadeh  
Specialist Members – Mr Marc Duncan, Ms Colleen Dunn &  
Prof Mads Gaardboe

## Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member stated:

‘The City of Adelaide Council Assessment Panel acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

## Confirmation of Minutes

### Item 1 – Confirmation of Minutes – 28 June 2021 [CAP]

#### Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 28 June 2021, be taken as read and be confirmed as an accurate record of proceedings.

## Declaration of Conflict of Interest

Development No. 21009289 – Mr Marc Duncan

## Applications assessed under Development Act 1993 (SA) with Representations

Nil

## Applications assessed under PDI Act 2016 (SA) with Representations [One]

### Item 4.1 – Development No. 21009289 - 244 & 246 Halifax Street, Adelaide SA 5000 (SG) [CAP]

#### Development No. 21009289 - Declaration of Conflict of Interest

Mr Marc Duncan disclosed a pecuniary interest in Development No. 21009289 – 244-246 Halifax Street, Adelaide SA 5000, as he has an employment relationship with Future Urban which is representing the applicant, left the electronic meeting and moved to the waiting room

at 5.34pm and did not take part in any hearings, deliberations or decision of the Panel on the matter.

### Representations Heard

Representors:

Mr Graham Burns on behalf of Mr Christopher and Mrs Linda Dibden of 248 Halifax Street, Adelaide

Applicant:

Mr Fabian Barone of Future Urban on behalf of the Applicant

### Decision

That the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (SA), and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21009289, by 246 Halifax Pty Ltd is granted Planning Consent subject to the following conditions:

### Conditions

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**

**Drawings prepared by Architects Ink:**

- 19-1125 SK01 - Rev A, SK02 - Rev D, SK03 - Rev G, SK04 - Rev F, SK05 - Rev F, SK06 - Rev E, SK07 - Rev E, SK08 - Rev C, SK09 - Rev D, SK10 - Rev A, SK11 - Rev A, SK12 - Rev A, SK13 - Rev A

**to the reasonable satisfaction of the Council except where varied by conditions below (if any).**

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2. **External materials, surface finishes and colours of the Development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the Council.**
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3. **A sample of the eastern boundary wall material shall be provided to Council prior to the issue of Development Approval. The material shall be to the reasonable satisfaction of Council.**
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4. **The applicant shall make a payment of \$600.00 (in lieu of planting 2 x small trees - \$300.00 each) into the Urban Tree Canopy Off-Set Fund. This payment is to be paid into the Fund via the PlanSA portal prior to the issue of Development Approval.**
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5. **Environmental site validation sampling shall be conducted post demolition and a report provided to Council which demonstrates the suitability of the site prior to construction commencing in accordance with the Preliminary Environmental Site History dated 18 June 2021.**

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6. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Council.**

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7. **The applicant or the person having the benefit of this consent shall ensure that all storm water run-off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water run-off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Council.**

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8. **The existing footpath level shall not be modified to suit the floor level of the pedestrian or vehicle entry points to the development, unless otherwise agreed to by Council in writing.**

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9. **Clear sight lines for users of the car park shall be provided to ensure pedestrian safety along the Cardwell Street footpath and shall be provided at all times in accordance with AS/NZS 2890.1:2004 Off-street Car Parking.**

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10. **All line marking for car park spaces and traffic signs on the Land shall conform to AS/NZS 2890.1:2004 Off-street Car Parking.**

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11. **The height of the upper-level apartment 1 courtyard boundary wall shall be reduced to a height of 1.7 metres.**

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### **Advisory Notes**

#### **1. Building Consent for Approval**

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

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#### **2. Expiration Time of Approval**

Pursuant to the provisions of Regulation 67 of the Planning, Development and Infrastructure (General) Regulations 2017, this consent / approval will lapse at the expiration of 2 years from the operative date of the consent / approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

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### 3. Boundaries

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

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### 4. Crossing Places

There is no objection to the proposed vehicle crossing place and alterations to the existing vehicle crossing place, however the work will be undertaken by Council and the cost of the work will be charged to the applicant. Separate application for the crossing place is required and the applicant can obtain a form from Customer Service, 25 Pirie Street, Adelaide, telephone 8203 7236. A quotation for the work will be provided by Council prior to the work being undertaken.

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### 5. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria).

Please visit <https://www.cityofadelaide.com.au/transport-parking/parking/residential-parking/> or contact the Customer Centre on 8203 7203 for further information.

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### 6. Damage to Council's Footpath/Kerbing/Road Pavement

Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.

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### 7. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. This includes activities that have received Development Approval.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at [www.cityofadelaide.com.au/business/permits-licences/city-works/](http://www.cityofadelaide.com.au/business/permits-licences/city-works/)

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Applications will require a minimum notice period of two to five business days, depending on the nature of work, and can be lodged online via

<https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

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Mr Marc Duncan was re-admitted to the electronic meeting at 6.04pm

Applications assessed under Development Act 1993 (SA) without Representations [One]

**Item 5.1 – 61-71 Wellington Square, North Adelaide SA 5006, DA/291/2020 [DA] (EP) [CAP]**

Representation from Applicant Requested and Heard

At the request of the Presiding Member, Abraham Aguirre – Figueroa accompanied by Simon Xotta-Dickson (Flightpath Architects) on behalf of the Applicant, contributed to the meeting to respond to questions from Panel Members.

**Decision**

That the development, the subject of the application from Mr K Tsimopoulos for partial demolition of dwelling and construct two storey addition with double garage at 61-71 Wellington Square, North Adelaide SA 5006 as shown on plans designated DA/291/2020:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the following reserved matters, conditions and advisory notes:

**Reserved Matters**

1. Pursuant to Section 33(3) of the Development Act, 1993, a decision on the following matters reserved for further assessment pending the provision of additional information (and must be resolved prior to granting of Development Approval):
  - Detailed plans of the steel infill panels, front gate design and masonry piers shall be submitted to the satisfaction of Council to ensure reasonable visual permeability and design compatibility with the Local Heritage place is provided.

**Conditions**

1. The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:

Drawings prepared by Flightpath Architects as follows:

- Site plans SK000, Revision 02, dated 15 June 2021
- Demolition plan SK002, Revision 02, dated 15 June 2021
- Proposed site plan SK004, Revision 02, dated 15 June 2021
- Landscaping plan SK005, Revision 02, dated 15 June 2021
- Ground Floor plan SK100, Revision 02, dated 15 June 2021
- First Floor plan SK101, Revision 02, dated 15 June 2021
- Roof plan SK102, Revision 02, dated 15 June 2021
- Elevations – East and West SK200, Revision 02, dated 15 June 2021
- Elevations – North SK201, Revision 02, dated 15 June 2021
- Elevations – South SK202, Revision 02, dated 15 June 2021
- Elevations – Fence and Gates SK203, Revision 02, dated 15 June 2021

to the reasonable satisfaction of the Council except where varied by conditions below.

*Reason: To ensure that the Development is undertaken in accordance with the plans and details submitted.*

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2. **External materials, surface finishes and colours of the Development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the Council.**

*Reason: To ensure a high standard of materials and finishes used in the finished presentation of the Development.*

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3. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Council.**

*Reason: To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the Development.*

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4. **The applicant or the person having the benefit of this consent shall ensure that all storm water run-off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water run-off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Council.**

*Reason: To ensure that stormwater runoff does not have an adverse impact upon the public realm.*

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5. **The obscured glazing/screening on the west elevations depicted on the plans granted consent described as Elevations – South and West SK201, dated 7 April 2021, shall be installed prior to the occupation or use of the development and thereafter shall be maintained to the reasonable satisfaction of the Council at all times.**

*Reason: To ensure that the Development does not unreasonably diminish the privacy of residents in adjoining properties.*

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### **Advisory Notes**

#### **1. Building Consent for Approval**

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

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## 2. Expiration Time of Approval

Pursuant to the provisions of Regulation 48 under the Development Act 1993, this consent / approval will lapse at the expiration of 24 months from the operative date of the consent / approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 24 months, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

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## 3. Boundaries

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

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## 4. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria).

Please visit <https://www.cityofadelaide.com.au/transport-parking/parking/residential-parking/> or contact the Customer Centre on 8203 7203 for further information.

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## 5. Damage to Council's Footpath/Kerbing/Road Pavement

Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.

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- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
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Applications will require a minimum notice period of two to five business days, depending on the nature of work, and can be lodged online via <https://www.cityofadelaide.com.au/business/permits-licences/city-works>

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## Council Assessment Panel – Electronic Meeting Minutes



### Applications assessed under PDI Act 2016 (SA) without Representations

Nil

### Other Applications

Nil

### Other Business listed in Agenda

Nil

### Other Business raised at Panel Meeting

Nil

### Next Meeting

Monday 23 August 2021

### Closure

The meeting closed at 6.17 pm.

**Mr Mark Adcock**  
**Presiding Member**  
**City of Adelaide Council Assessment Panel**

### Documents attached for reference

Nil